

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1335

IN THE MATTER OF:

Application of KNOWLES BUS LEASING)	Served	June 21, 1974
SERVICE, INC., for Temporary)		
Authority)	Application No. 836	

By Application No. 836, filed June 10, 1974, Knowles Bus Leasing Service, Inc., (Knowles) seeks temporary authority pursuant to Title II, Article XII, Section 4 (d)(3) of the Compact, to transport employees of the Department of Defense (DOD), over irregular routes, between the Center Building, 3700 East-West Highway, Hyattsville, Maryland, and the Crystal City Area, National Center, 2511 Jefferson Davis Highway, Arlington, Virginia.

The tariff filed as part of the temporary authority application indicates that Knowles would perform 18 daily trips, Monday through Friday, except on holidays, between the National Center and the Center Building and would make five intermediate stops on each trip. These intermediate stops would be at the following points: 23rd and Ball Streets, Arlington, Virginia, Crystal Mall, Arlington, Virginia, Jefferson Plaza, 1411-1421 Jefferson Davis Highway, Arlington, Virginia, Forrestal Building, 10th Street and Independence Avenue, S. W., Washington, D. C., and Capitol Hill, Washington, D. C. DOD would pay to Knowles the following rates for the service: (a) \$115 per day for vehicle and driver operating from 8:00 a.m. to 4:05 p.m., and (b) \$15 per hour for driver and vehicle after 4:05 p.m. on Monday through Friday, and on Saturdays, Sundays, and holidays. Passengers utilizing Knowles' service will not be required to pay for the transportation service. Rather, DOD would pay the amount specified in the tariff.

The threshold issue presented for the Commission's determination is whether the proposed service is subject to the regulatory provisions of the Compact. Title II, Article XII, Section 1(a) states that the Compact "shall apply to the transportation for hire by any carrier of persons between any points in the Metropolitan District and to the persons engaged in rendering or performing such transportation service". (Emphasis added.) The Compact lists five exceptions to the grant of jurisdiction and none are applicable to the service proposed by Knowles.

The transportation service to be performed by Knowles is transportation for hire. The service will be rendered for DOD's employees. DOD would pay Knowles for the service pursuant to a contract and according to the rates set forth in Knowles' tariff. The transportation service would be performed between points within the Metropolitan District. The Commission believes that the proposed service is subject to the provisions of the Compact and properly within the regulatory jurisdiction of this Commission.

Under Title II, Article XII, Section 4(d)(3) of the Compact, the Commission must base any decision to grant an applicant temporary authority to provide a specific service upon the finding that there is an immediate and urgent need to a point or points within a territory having no carrier service capable of meeting such need. So finding, the Commission may, in its discretion and without hearings or other proceedings, grant temporary authority.

Knowles alleges that the immediate and urgent need for the proposed service is indicated by DOD's determination that the execution of the contract for the proposed service is advantageous to the National Defense and is required to meet DOD's unfilled urgent and immediate requirements for transportation of its employees during peak work load hours. The DOD contract has been assigned a "priority" rating. DOD's urgent and immediate need for the proposed service is caused in part by the continuance of a severe petroleum shortage in the Washington Metropolitan District. In an attempt to avoid unnecessary use of petroleum fuels either in private or DOD automobiles, DOD has determined to award the contract to Knowles to provide the proposed service. The energy crisis has created an environment in which there is an immediate and urgent need for the proposed service as a measure which would assist and augment the petroleum conservation measures established by the Federal Energy Office. Accordingly, the Commission finds that there is an immediate and urgent need for the proposed service to be performed by Knowles.

Knowles alleges that there exists no authorized common carrier performing the precise bus operations required under the DOD contract. The Department of the Navy currently is performing a portion of the operations to be performed by Knowles. However, the Department of the Navy does not have the capacity to provide the totality of services required. As a result of the inability of the Department of the Navy to perform the proposed service, DOD has decided to award the contract to Knowles. Accordingly, the Commission finds that there is no carrier service capable of meeting this specific need.

THEREFORE, IT IS ORDERED:

1. That Knowles Bus Leasing Service, Inc., be, and it is hereby, granted temporary authority to transport employees of the Department of

Defense, over irregular routes, between the Center Building, 3700 East-West Highway, Hyattsville, Maryland, and the Crystal City Area, National Center, 2511 Jefferson Davis Highway, Arlington, Virginia, with intermediate stops at 23rd and Ball Streets, Arlington, Virginia, Crystal Mall, Arlington, Virginia, Jefferson Plaza, 1411-1421 Jefferson Davis Highway, Arlington, Virginia, Forrestal Building, 10th Street and Independence Avenue, S. W., Washington, D. C., and Capitol Hill, Washington, D. C.

2. That Knowles Bus Leasing Service, Inc., be, and it is hereby, required to file forthwith an appropriate tariff pursuant to the temporary operating authority granted herein, to be effective June 24, 1974.

3. That Knowles Bus Leasing Service, Inc., be, and it is hereby, required to file forthwith, two copies of its contract to provide the service authorized herein, pursuant to Regulation 56-03.

4. That unless otherwise provided by order of the Commission, the temporary authority granted herein shall become effective Monday, June 24, 1974, and shall remain in effect through Saturday, December 21, 1974.

BY DIRECTION OF THE COMMISSION:



HYMAN J. BLOND
Executive Director

